

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Asha Warsame,

Plaintiff,

vs.

REPORT AND RECOMMENDATION

Abdulaziz Sugule
(AMS Associates Inc.),

Defendant.

Civ. No. 07-3763 (PJS/RLE)

* * * * *

This matter came before the undersigned United States Magistrate Judge upon a routine supervision of cases filed in this Division, and upon an assignment made in accordance with Title 28 U.S.C. §636(b)(1)(B).

This matter was commenced on August 21, 2007, by the filing of a Complaint and an Application to proceed in forma pauperis (“IFP”). See, Docket Nos. 1-2. On August 28, 2007, we recommended that the Plaintiff’s application for IFP status be denied, see, Docket No. 3, and that Recommendation was adopted by the District Court, the Honorable Patrick J. Schiltz presiding, by Order dated September 17, 2007. See, Docket No. 4.

By Order dated December 26, 2007, see, Docket No. 5, we noted that, since the Plaintiff's Application for IFP status had been denied, the Plaintiff was required to pay the \$350.00 filing fee and, in absence of that payment within ten (10) days of the date of that Order, we would recommend that this action be dismissed, without prejudice, for failure to prosecute.

The Plaintiff has failed to abide by the terms of our Order of December 26, 2007. Since we have previously warned the Plaintiff of the potential consequences for her failure to timely pay the \$350.00 filing fee, and to abide by the Orders of this Court, we recommend that this action be dismissed, for failure to comply with this Court's Order of December 26, 2007, for failure to pay the \$350.00 filing fee, and for want of prosecution.

NOW THEREFORE, It is --

RECOMMENDED:

That this action be dismissed for failure to comply with this Court's Order of December 26, 2007, for failure to pay the \$350.00 filing fee, and for lack of prosecution.

BY THE COURT:

Dated: January 14, 2008

s/Raymond L. Erickson
Raymond L. Erickson
CHIEF U.S. MAGISTRATE JUDGE

NOTICE

Pursuant to Rule 6(a), Federal Rules of Civil Procedure, D. Minn. LR1.1(f), and D. Minn. LR72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties **by no later than February 1, 2008**, a writing which specifically identifies those portions of the Report to which objections are made and the bases of those objections. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals.

If the consideration of the objections requires a review of a transcript of a Hearing, then the party making the objections shall timely order and file a complete transcript of that Hearing **by no later than February 1, 2008**, unless all interested parties stipulate that the District Court is not required by Title 28 U.S.C. §636 to review the transcript in order to resolve all of the objections made.